

JS 44
(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

Robin Frankenfield, Admx. of the Estate of
Michael A. DeAngelis, Deceased

DEFENDANTS

State Farm Mutual Automobile Insurance Company

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Lehigh
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Richard J. Orloski, Esquire
111 N. Cedar Crest Blvd.
Allentown, PA 18104-4602 (610)433-2363

ATTORNEYS (IF KNOWN)

Teresa Ficken Sachs (Atty I.D. # 41136)
BRITT HANKINS SCHAIBLE & MOUGHAN
Two Penn Center Plaza - Suite 515
Philadelphia, PA 19102 (215) 569-6949

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX
FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. Section 1332 (Diversity of Citizenship)

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395n) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Securities/Commodities/Exchange <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other			

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment
☐ 7

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

Excess of \$75,000

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

n/a

(See Complaint)

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

5/28/02 *Teresa Ficken Sachs*

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 140 N. 11th Street, Allentown, PA 18102

Address of Defendant: Once State Farm Plaza, Bloomington IL 61710-0001

Place of Accident, Incident or Transaction: Pennsylvania

(Use Reverse Side For Additional Space)

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☒ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

I, Teresa Ficken Sachs, Esquire (Check appropriate Category)
counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 5-28-02

Teresa Ficken Sachs
Attorney-at-Law

41136

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5-28-02

Teresa Ficken Sachs

41136

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Robin Frankenfield, Admx. of the :
Estate of Michael A. DeAngelis, :
Deceased v. :

CIVIL ACTION

State Farm Mutual Automobile :
Insurance Company :

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (x)

5-28-02

Date

Teresa Ficken Sachs

Attorney-at-law

Teresa Ficken Sachs, Esquire (41136)

Attorney for Defendant

RBS

IN THE UNITED STATES COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBIN FRANKENFIELD, Admx. of
the Estate of MICHAEL A. DeANGELIS
Deceased

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

CIVIL ACTION

NO. 02-cv-3246

NOTICE OF REMOVAL

A TRUE COPY CERTIFIED FROM THE RECORD

TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

DATED:

ATTEST:

5-28-02
[Signature]
DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

The above-named defendant in this matter, "State Farm Mutual Automobile Insurance Company," (hereinafter referred to in this Notice of Removal as "State Farm") hereby files the within Notice of Removal of this case from the Court of Common Pleas of Northampton County, Pennsylvania, in which it is now pending, to the United States District Court for the Eastern District of Pennsylvania. This Notice is filed pursuant to 28 U.S.C. § 1441, et seq., and in support thereof, defendant states the following:

1. This action was commenced in the Court of Common Pleas of Northampton County, Pennsylvania, by Writ(s) of Summons and is docketed in the state court at No. C0048CV2002632. See Exhibit "A" (See Writs of Summons dated January 31, 2002 and filed February 1, 2002 and Plaintiff's Civil Complaint dated and filed May 2, 2002).

2. Plaintiff, Robin Frankenfield, is a citizen of the Commonwealth of Pennsylvania. See Exhibit "A", Plaintiff's Complaint at paragraph 1.

3. Defendant State Farm Mutual Automobile Insurance Company is a corporation that is duly incorporated, organized and existing under the laws of Illinois with its principal place of business located in Bloomington, Illinois. State Farm Mutual Automobile Insurance Company is a citizen of the State of Illinois.¹

4. The value of the matter in controversy exceeds the amount of \$75,000, exclusive of interest and costs. See Complaint, Exhibit "A".

¹ The Plaintiff initially filed Writs of Summons naming four alleged defendant entities: (1) "State Farm Mutual Insurance Co.", (2) "State Farm Fire & Casualty Co.", (3) "State Farm Indemnity Co."; and (4) "State Farm Insurance Co." After reviewing Plaintiff's Complaint (filed upon Rule), it appeared that the correct identity of the company issuing the insurance policy at issue is "State Farm Mutual Automobile Insurance Company" (incorrectly designated in Plaintiff's Complaint as "State Farm Mutual Insurance Company"). Accordingly, Plaintiff's counsel voluntarily agreed to dismiss three of the four incorrectly named defendants and to amend Plaintiff's Complaint / Caption to correct the designation "State Farm Mutual Insurance Co." (which is not a recognized legal entity) to "State Farm Mutual Automobile Insurance Company" (See Exhibit "A"). State Farm Mutual Automobile Insurance Company is incorporated and has its principal place of business in Illinois and thus is a citizen of Illinois. Plaintiff's Writs did not specify any address for the Plaintiff, but the Complaint alleges that Plaintiff is a citizen of Pennsylvania. Thus, there is complete diversity between plaintiff and defendant.

The other defendants were also completely diverse from plaintiff. "State Farm Fire & Casualty Co." is a citizen of Illinois: it is incorporated in Illinois and has its principal place of business located in Bloomington, Illinois. "State Farm Indemnity Co." is a citizen of New Jersey and Illinois: it is incorporated in Illinois and has its principal place of business in Wayne, New Jersey. "State Farm Insurance Company" is not a legally recognized business entity at all, but merely a service mark used by State Farm. Thus, none of the three dismissed "defendants" is (or was) a citizen of the Commonwealth of Pennsylvania, and the Complaint filed May 2, 2002 is properly removable both before and after amendment of the caption.

5. The instant lawsuit is removable from State Court to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. §1332(a)(1) and §1441(a).

6. Copies of all process, pleadings, and orders served upon or otherwise received by petitioner are attached as Exhibit "A".

7. A copy of the Plaintiff's Complaint was mailed to State Farm's undersigned attorneys on May 2, 2002 and received May 6, 2002.

8. This Notice of Removal is timely, as it is being filed less than thirty (30) days, as that period is computed under the Federal Rules, after the filing and service of a copy of the complaint, the initial state court pleading setting forth a basis for federal court jurisdiction. Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344 (1999); Foster v. The Mutual Fire, Marine & Inland Ins. Co., 986 F. 2d 48 (3d Cir. 1993).

WHEREFORE, Defendant respectfully requests that this action be removed from the Court of Common Pleas of Northampton County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

BRITT, HANKINS, SCHAIBLE & MOUGHAN

BY: Teresa Ficken Sachs

Teresa Ficken Sachs
Attorneys for Defendant
Atty. I. D. NO. : 41136
Christopher J. Urban
Attorney I.D. No. 81981

Suite 515
Two Penn Center Plaza
15th Street & JFK Boulevard
Philadelphia, PA 19102
(215) 569-6949

Attorneys for Defendant,
State Farm Mutual Automobile Insurance Company

IN THE UNITED STATES COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBIN FRANKENFIELD, Admx. of	:	
the Estate of MICHAEL A. DeANGELIS	:	CIVIL ACTION
Deceased	:	
v.	:	
	:	
STATE FARM MUTUAL AUTOMOBILE	:	NO.
INSURANCE COMPANY	:	

MEMORANDUM OF LAW

Title 28, U.S.C. § 1441 provides, in part, that,

(a) Any civil action brought in the State Court of which the District Courts of the United States have original jurisdiction, may be removed by the defendant or defendants to the District Court of the United States for the district and the division embracing the place where such action is pending.

In this case, Plaintiff filed an action against the above-named Defendant in the Northampton County Court of Common Pleas, Commonwealth of Pennsylvania. The Complaint states that Plaintiff is a citizen of the Commonwealth of Pennsylvania. State Farm Mutual Automobile Insurance Company ("State Farm") is a corporation duly organized and existing under the laws of the State of Illinois with its principal places of business located in Bloomington, Illinois. State Farm is a citizen of the State of Illinois. The amount in controversy exceeds \$75,000. See Exhibit A.

Under these circumstances, this Court has original jurisdiction over the instant controversy based upon complete diversity of citizenship between the parties, Plaintiff and Defendant, pursuant to 28 U.S.C. § 1332(a)(1).

Therefore, Defendant respectfully requests that the state court action be removed to the federal forum.

BRITT, HANKINS, SCHAIBLE & MOUGHAN

BY: 

Teresa Ficken Sachs
Attorneys for Defendant
Atty. I. D. NO. : 41136
Christopher J. Urban
Attorney I.D. No. 81981

Suite 515
Two Penn Center Plaza
15th Street & JFK Boulevard
Philadelphia, PA 19102
(215) 569-6949

Attorneys for Defendant,
State Farm Mutual Automobile Insurance Company

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBIN FRANKENFIELD, Admx. of
the Estate of MICHAEL A. DeANGELIS
Deceased

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

CIVIL ACTION

NO:

The undersigned certifies that a copy of the foregoing Defendant's Notice of Removal, Memorandum of Law and supporting Affidavit / Exhibits, were forwarded this day, the 28th of May, 2002, to the Court and the below listed counsel by Overnight Mail and First Class Regular U.S. Mail:

Richard J. Orloski, Esquire
Orloski, Hinga, Pandaleon & Orloski
111 N. Cedar Crest Boulevard
Allentown, PA 18104-4602



Teresa Ficken Sachs, Esquire

Dated: 5-28-02

EXHIBIT A

"EXHIBIT A"

1. Plaintiff's Writs of Summons (4)
2. Entry of Appearance, Teresa Ficken Sachs for Defendants
3. Praecipe for Rule to File Complaint and Rule to File Complaint
4. Plaintiff's Civil Complaint
5. Stipulation for Partial Dismissal and to Amend Caption

EXHIBIT A-1

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON

ROBIN FRANKENFIELD, ADMINISTRATRIX OF THE ESTATE OF
MICHAEL A. DE ANGELIS, DECEASED

Plaintiff(s)

vs

No. C-0048-CV-2002-000632

STATE FARM MUTUAL INSURANCE COMPANY,
248 BRODHEAD ROAD, BETHLEHEM, PA 18017
STATE FARM FIRE & CASUALTY COMPANY
248 BRODHEAD ROAD, BETHLEHEM, PA 18017
STATE FARM INDEMNITY COMPANY
248 BRODHEAD ROAD, BETHLEHEM, PA 18017
STATE FARM INSURANCE COMPANIES
248 BRODHEAD ROAD, BETHLEHEM, PA 18017

Defendant(s)

CIVIL ACTION
JURY TRIAL DEMANDED

WRIT OF SUMMONS

TO: STATE FARM MUTUAL INSURANCE COMPANY, STATE FARM FIRE & CASUALTY COMPANY, STATE
FARM INDEMNITY COMPANY AND STATE FARM INSURANCE COMPANIES

You are notified that ROBIN FRANKENFIELD, ADMINISTRATRIX OF THE ESTATE OF MICHAEL A. DE ANGELIS,
DECEASED

(Name(s) of Plaintiff(s))

has (have) commenced an action against you.

30

Date JANUARY 31, 2002

Holly Ruggiero
Prothonotary

By

Maria Cunningham
Deputy

A TRUE COPY ATTEST
HOLLY RUGGIERO
CLERK OF COURT
CIVIL/PROTHONOTARY

Holly Ruggiero
(M)

Attorney Name: RICHARD J. ORLOSKI, ESQ
Address: 111 N. CEDAR CREST BLVD
ALLENTOWN, PA 18104-4602
Telephone No. 610-433-2363
Attorney for Plaintiff(s)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON

ROBIN FRANKENFIELD, ADMINISTRATRIX OF THE ESTATE OF
MICHAEL A. DE ANGELIS, DECEASED

Plaintiff(s)

vs

No. C-0048-CV-2002-000632

STATE FARM MUTUAL INSURANCE COMPANY,
248 BRODHEAD ROAD, BETHLEHEM, PA 18017
STATE FARM FIRE & CASUALTY COMPANY
248 BRODHEAD ROAD, BETHLEHEM, PA 18017
STATE FARM INDEMNITY COMPANY
248 BRODHEAD ROAD, BETHLEHEM, PA 18017
STATE FARM INSURANCE COMPANIES
248 BRODHEAD ROAD, BETHLEHEM, PA 18017

Defendant(s)

CIVIL ACTION
JURY TRIAL DEMANDED

WRIT OF SUMMONS

TO: STATE FARM MUTUAL INSURANCE COMPANY, STATE FARM FIRE & CASUALTY COMPANY, STATE
FARM INDEMNITY COMPANY AND STATE FARM INSURANCE COMPANIES

You are notified that ROBIN FRANKENFIELD, ADMINISTRATRIX OF THE ESTATE OF MICHAEL A. DE ANGELIS,
DECEASED

(Name(s) of Plaintiff(s))

has (have) commenced an action against you.

33

Date JANUARY 31, 2002

Holly Ruggiero
Prothonotary

By Maria Cunningham

A TRUE COPY ATTEST
HOLLY RUGGIERO
CLERK OF COURT
CIVIL/PROTHONOTARY

Holly Ruggiero

Attorney Name: RICHARD J. ORLOSKI, ESQ
Address: 111 N. CEDAR CREST BLVD
ALLENTOWN, PA 18104-4602
Telephone No. 610-433-2363
Attorney for Plaintiff(s)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON

ROBIN FRANKENFIELD, ADMINISTRATRIX OF THE ESTATE OF
MICHAEL A. DE ANGELIS, DECEASED

Plaintiff(s)

vs

No. C-0048-CV-2002-000632

STATE FARM MUTUAL INSURANCE COMPANY,
248 BRODHEAD ROAD, BETHLEHEM, PA 18017
STATE FARM FIRE & CASUALTY COMPANY
248 BRODHEAD ROAD, BETHLEHEM, PA 18017
STATE FARM INDEMNITY COMPANY
248 BRODHEAD ROAD, BETHLEHEM, PA 18017
STATE FARM INSURANCE COMPANIES
248 BRODHEAD ROAD, BETHLEHEM, PA 18017

Defendant(s)

CIVIL ACTION
JURY TRIAL DEMANDED

WRIT OF SUMMONS

TO: STATE FARM MUTUAL INSURANCE COMPANY, STATE FARM FIRE & CASUALTY COMPANY, STATE
FARM INDEMNITY COMPANY AND STATE FARM INSURANCE COMPANIES

You are notified that ROBIN FRANKENFIELD, ADMINISTRATRIX OF THE ESTATE OF MICHAEL A. DE ANGELIS,
DECEASED

(Name(s) of Plaintiff(s))

has (have) commenced an action against you.

35

Date JANUARY 31, 2002

Holly Ruggiero
Prothonotary

By Maria Cunningham
Deputy

Attorney Name: RICHARD J. ORLOSKI, ESQ
Address: 111 N. CEDAR CREST BLVD
ALLENTOWN, PA 18104-4602
Telephone No. 610-433-2363
Attorney for Plaintiff(s)

A TRUE COPY ATTEST
HOLLY RUGGIERO
CLERK OF COURT
CIVIL/PROTHONOTARY

Holly Ruggiero
(Signature)

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF NORTHAMPTON

ROBIN FRANKENFIELD, ADMINISTRATRIX OF THE ESTATE OF
MICHAEL A. DE ANGELIS, DECEASED

Plaintiff(s)

vs

No. C-0048-CV-2002-000632

STATE FARM MUTUAL INSURANCE COMPANY,
248 BRODHEAD ROAD, BETHLEHEM, PA 18017
STATE FARM FIRE & CASUALTY COMPANY
248 BRODHEAD ROAD, BETHLEHEM, PA 18017
STATE FARM INDEMNITY COMPANY
248 BRODHEAD ROAD, BETHLEHEM, PA 18017
STATE FARM INSURANCE COMPANIES
248 BRODHEAD ROAD, BETHLEHEM, PA 18017

Defendant(s)

CIVIL ACTION
JURY TRIAL DEMANDED

WRIT OF SUMMONS

TO: STATE FARM MUTUAL INSURANCE COMPANY, STATE FARM FIRE & CASUALTY COMPANY, STATE
FARM INDEMNITY COMPANY AND STATE FARM INSURANCE COMPANIES

You are notified that ROBIN FRANKENFIELD, ADMINISTRATRIX OF THE ESTATE OF MICHAEL A. DE ANGELIS,
DECEASED

(Name(s) of Plaintiff(s))

has (have) commenced an action against you.

Date JANUARY 31, 2002

Holly Ruggiero
Prothonotary

37

By

Maria Cunningham
Deputy

Attorney Name: RICHARD J. ORLOSKI, ESQ
Address: 111 N. CEDAR CREST BLVD
ALLENTOWN, PA 18104-4602
Telephone No. 610-433-2363
Attorney for Plaintiff(s)

A TRUE COPY ATTEST
HOLLY RUGGIERO
CLERK OF COURT
CIVIL/PROTHONOTARY

Holly Ruggiero
(Signature)

EXHIBIT A-2

COPY

BRITT, HANKINS, SCHAIBLE & MOUGHAN

By: Teresa Ficken Sachs

Atty. I.D. No. : 41136

Suite 515, Two Penn Center Plaza

Philadelphia, PA 19102

(215) 569-6900

Attorneys for: Defendant

ROBIN FRANKENFIELD, Admx. of :
the Estate of MICHAEL A. DeANGELIS: :
Deceased :
v. :
:

COURT OF COMMON PLEAS
NORTHAMPTON COUNTY, PA.

STATE FARM MUTUAL INS. CO., :
STATE FARM FIRE & CASUALTY CO: :
STATE FARM INDEMNITY CO. :
STATE FARM INSURANCE CO. :

NO.: C-0048-CV-2002-000632

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

FILED
2002 APR 11 P 12:13
CLERK OF COMMON PLEAS
CIVIL DIVISION
NORTHAMPTON COUNTY, PA

Kindly enter our appearance on behalf of all defendants in the above captioned matter.

BRITT, HANKINS, SCHAIBLE & MOUGHAN

BY:

Teresa Ficken Sachs

Teresa Ficken Sachs

Attorneys for Defendants

Dated: 4-9-02

JURY TRIAL DEMANDED

EXHIBIT A-3

COPY

BRITT, HANKINS, SCHAIBLE & MOUGHAN

By: Teresa Ficken Sachs

Atty. I.D. No. : 41136

Suite 515, Two Penn Center Plaza

Philadelphia, PA 19102

(215) 569-6900

Attorneys for: Defendant

ROBIN FRANKENFIELD, Admx. of :
the Estate of MICHAEL A. DeANGELIS: Deceased

v.

STATE FARM MUTUAL INS. CO., :
STATE FARM FIRE & CASUALTY CO.:
STATE FARM INDEMNITY CO. :
STATE FARM INSURANCE CO. :

COURT OF COMMON PLEAS
NORTHAMPTON COUNTY, PA

NO.: C-0048-CV-2002-000632

2002 APR 11 P 12:13
CLERK OF COMMON PLEAS
CIVIL DIVISION
NORTHAMPTON COUNTY, PA

FILED

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Kindly enter a Rule upon plaintiff to file a Complaint within twenty (20) days hereof or suffer the entry of a judgment of Non Pros.

BRITT, HANKINS, SCHAIBLE & MOUGHAN

Dated: 4-9-02

BY:

Teresa Ficken Sachs
Teresa Ficken Sachs
Attorneys for Defendants

RULE TO FILE COMPLAINT

AND NOW, this 11th day of April, 2002, a Rule is hereby GRANTED upon Plaintiff to file a Complaint within twenty (20) days after service hereof or suffer the entry of a Judgment of Non Pros.

Dated: 4-11-02

Holly Ruggiero

EXHIBIT A-4

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL DIVISION - LAW

Robin Frankenfield, Administratrix of the:
Estate of Michael A. DeAngelis, deceased, :
Plaintiff, :

vs. :

No. C0048CV2002632

State Farm Mutual Insurance Co., :
State Farm Fire & Casualty Co., State :
Farm Indemnity Co., State Farm :
Insurance Co., :

Defendants. :

JURY TRIAL DEMANDED

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN **TWENTY (20) DAYS** AFTER THIS **COMPLAINT AND NOTICE** IS SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU, AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE DOCUMENT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE
155 S. NINTH STREET
EASTON, PA 18042
(610) 258-6333

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL DIVISION - LAW

Robin Frankenfield, Administratrix of the:
Estate of Michael A. DeAngelis, deceased, :
Plaintiff, :

vs. :

No. C0048CV2002632

State Farm Mutual Insurance Co., :
State Farm Fire & Casualty Co., State :
Farm Indemnity Co., State Farm :
Insurance Co., :

Defendants. :

JURY TRIAL DEMANDED

DECLARATORY JUDGMENT COMPLAINT

1. Plaintiff, Robin Frankenfield, is an adult individual residing at 140 N. 11th Street, Allentown, Pennsylvania 18102.
2. Defendant, State Farm Mutual Insurance Co., is a business entity doing business in Pennsylvania with offices at 248 Brodhead Road, Bethlehem, Pennsylvania 18017.
3. Defendant, State Farm Fire and Casualty Co., is a business entity doing business in Pennsylvania with offices at 248 Brodhead Road, Bethlehem, Pennsylvania 18017.
4. Defendant, State Farm Indemnity Co., is a business entity doing business in Pennsylvania with offices at 248 Brodhead Road, Bethlehem, Pennsylvania 18017.
5. Defendant, State Farm Insurance Co., is a business entity doing business in Pennsylvania with offices at 248 Brodhead Road, Bethlehem, Pennsylvania 18017.
6. Michael DeAngelis is a deceased person whose estate is being administered by Plaintiff, Robin Frankenfield.

FACTS

7. Michael DeAngelis was killed in a car accident on June 17, 1989.
8. On the date of the accident, Michael DeAngelis had available to him uninsured/underinsured motorist coverage under a policy issued by Defendants.
9. The policy is in the exclusive possession of the Defendants.
10. Upon information and belief, the policy provides that all issues regarding a claim for uninsured/underinsured motorist coverage are to be settled at an arbitration proceeding.
11. Plaintiff, Robin Frankenfield, Administratrix of the Estate of Michael DeAngelis, has made a claim for benefits under the UM/UIM policy issued by Defendants, and appointed an arbitrator.
12. Plaintiff has reduced a claim against the tortfeasor by judgment entered on February 2, 1998.
13. This action was commenced by Writ of Summons filed January 31, 2002.

COUNT ONE: ORDER FOR ARBITRATION

14. The insurance policy in effect between the parties requires an arbitration proceeding to resolve any and all disputes between them concerning uninsured/underinsured motorist benefits.
15. Despite demand by Plaintiff, Defendants have refused to arbitrate this matter.
16. Defendants' failure to arbitrate this dispute is a breach of the insurance contract between the parties.
17. Defendants have admitted that Michael DeAngelis was an insured with \$150,000.00 of uninsured/underinsured motorist coverage available to him.

18. Defendants' failure to arbitrate this claim, despite demand, is contrary to the policy, and to the extensive appellate case law in this Commonwealth.

19. Plaintiff is entitled to a declaratory judgment ordering arbitration of Plaintiff's uninsured/underinsured motorist claim.

20. Plaintiff is entitled to recover attorney's fees and costs because she should not have been forced to resort to an action in Common Pleas court to get an arbitration proceeding.

WHEREFORE, Plaintiff asks that a declaratory judgment be entered in its favor and against Defendants, ORDERING Defendants to proceed to arbitration, and APPOINTING an arbitrator on Defendants' behalf to confer with Plaintiff's arbitrator for the selection of a neutral arbitrator, in addition to a monetary judgment of attorneys fees and costs for prosecuting this action.

COUNT TWO: BAD FAITH

21. Paragraphs 1 through 20 inclusive are hereby incorporated as if fully set forth at length.

22. Clear and unambiguous policy language dictates that all disputes concerning uninsured/underinsured motorist claims must be submitted to arbitration.

23. Defendants have refused to proceed with arbitration.

24. There is no reasonable basis for Defendants to refuse to arbitrate Plaintiff's uninsured/underinsured motorist claim.

25. As a matter of law in this Commonwealth, an insurer commits bad faith when it refuses to proceed to arbitration based on the insurer's unilateral determination that the claim has no merit. See Anderson vs. Nationwide Insurance Co., 187 F. Supp. 447, 459 (W.D. Pa. 2002).

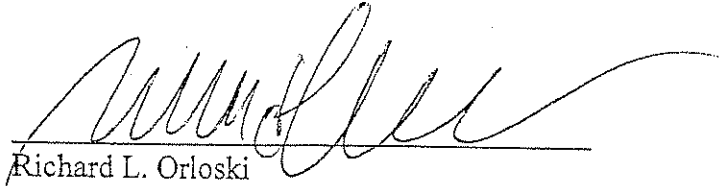
26. Plaintiff is entitled to punitive damages due to Defendants' bad faith refusal to proceed to arbitration.

27. Plaintiff is entitled to attorney's fees and costs for prosecuting this action due to Defendants' bad faith refusal to proceed to arbitration.

WHEREFORE, Plaintiff asks that judgment be entered in her favor and against Defendants in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, in addition to interest, costs of suit, and reasonable attorney's fees.

Respectfully submitted,

ORLOSKI, HINGA, PANDALEON & ORLOSKI

A handwritten signature in cursive script, appearing to read 'Richard L. Orloski', is written over a horizontal line.

Richard L. Orloski
Attorney for Plaintiff
111 N. Cedar Crest Blvd.
Allentown, PA 18104-4602
610-433-2363
Attorney ID No. 80037

VERIFICATION

I, Richard L. Orloski, verify that the statements set forth in the attached document are true and correct to the best of my knowledge, information, and belief. I understand that false statements made herein are made subjects to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: 5-2-02


Richard L. Orloski

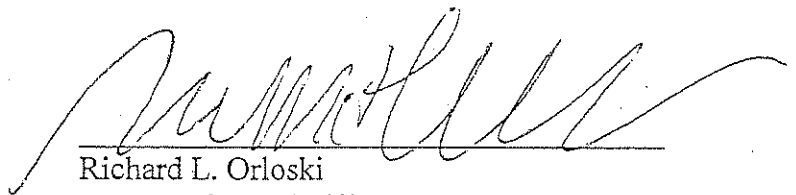
CERTIFICATE OF SERVICE

I, Richard L. Orloski, HEREBY CERTIFY that I served a true and correct copy of the foregoing document upon the following person(s) by depositing same in the United States Mail, regular, first-class mail, postage prepaid, addressed as follows:

Teresa Ficken Sachs
Britt Hankins
Two Penn Center Plaza
Suite 515
1500 JFK Blvd.
Philadelphia, PA 19102-1888

Date: May 2, 2002

ORLOSKI, HINGA, PANDALEON & ORLOSKI

A handwritten signature in dark ink, appearing to read 'Richard L. Orloski', is written over a horizontal line.

Richard L. Orloski
Attorney for Plaintiff
Attorney I.D. No. 80037
111 North Cedar Crest Blvd.
Allentown, PA 18104
(610) 433-2363

EXHIBIT A-5

BRITT, HANKINS, SCHAIBLE & MOUGHAN

By: Teresa Ficken Sachs

Atty. I.D. No. : 41136

Suite 515, Two Penn Center Plaza

Philadelphia, PA 19102

(215) 569-6900

Attorneys for: Defendant

ROBIN FRANKENFIELD, Admx. of	:	COURT OF COMMON PLEAS
the Estate of MICHAEL A. DeANGELIS	:	NORTHAMPTON COUNTY, PA.
Deceased	:	
v.	:	
STATE FARM MUTUAL INS. CO.,	:	
STATE FARM FIRE & CASUALTY CO	:	
STATE FARM INDEMNITY CO.	:	
STATE FARM INSURANCE CO.	:	NO.: C-0048-CV-2002-000632

STIPULATION FOR PARTIAL DISMISSAL AND TO AMEND CAPTION

WHEREAS, Plaintiff, Robin Frankenfield, Administratrix of the Estate of Michael A. DeAngelis, Deceased (hereinafter "Administratrix") commenced this action in the Court of Common Pleas of Northampton County, Pennsylvania, by filing Writs of Summons at No. C0048CV2002632 against the above-listed defendants.

WHEREAS, upon Rule requested by undersigned counsel, the Administratrix filed a Civil Complaint against the above-listed defendants on May 2, 2002.

WHEREAS, upon review of the Civil Complaint filed by the Adminstratrix, this action concerns the alleged entitlement of Robin Frankenfield, as Adminstratrix of the Estate of Michael A. DeAngelis, to underinsured motorist coverage under a policy of motor vehicle insurance allegedly issued by one of the above-listed defendants.

WHEREAS, "State Farm Insurance Company" is merely a service mark and at all times relevant hereto has never been a duly organized and existing legal entity.

WHEREAS, "State Farm Indemnity Co." and "State Farm Fire & Casualty Co." are duly organized and existing legal entities, but neither of these entities issued any policy of motor vehicle insurance which could possibly be applicable in this case.

WHEREAS, "State Farm Mutual Automobile Insurance Company" (incorrectly designated in Plaintiff's Complaint as "State Farm Mutual Insurance Co.") is a legal entity duly organized and existing under the laws of the State of Illinois and which has issued policies of motor vehicle insurance within the Commonwealth of Pennsylvania.

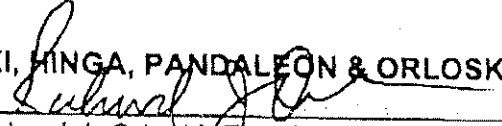
WHEREFORE, the parties, by their undersigned counsel, do hereby Stipulate and Agree as follows:

- A. Plaintiff's alleged claims against: (1) "State Farm Insurance Co."; (2) "State Farm Fire & Casualty Co."; and (3) "State Farm Indemnity Co." are hereby discontinued and dismissed with prejudice pursuant to Pa. R.C.P. 229.
- B. The caption and all other references contained in Plaintiff's Complaint naming or otherwise identifying "State Farm Mutual Insurance Co." are hereby amended to read "State Farm Mutual Automobile Insurance Company" as the proper and legal name of said defendant pursuant to Pa. R.C.P. 1033.

BRITT, HANKINS, SCHAIBLE & MOUGHAN
BY: 

Teresa Ficken Sachs
Attorneys for Defendant
Attorney I.D. No. 41136
Christopher J. Urban
Attorney I.D. No. 81981

Suite 515
Two Penn Center Plaza
15th Street & JFK Boulevard
Philadelphia, PA 19102
(215) 569-6949

ORLOSKI, HINGA, PANDALEON & ORLOSKI
BY: 

Richard J. Orloski, Esquire
Attorney I.D. No. 9857
Richard L. Orloski, Esquire
Attorney I.D. No. 80037

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